

### **Remarks**

Claims 10-46 are pending. Claims 10-46 are rejected. Claims 13 and 14 are objected to.

Claims 13 and 14 have been objected to because of informalities. Claims 13 and 14 have been amended to address these objections.

Claims 10-14, 20-28 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,304,578 (Fluss) in view of U.S. Pat. No. 6,366,584 (Gulliford). Claims 15-17, 19, 29, 30, 41-43, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fluss in view of Gulliford and in further view of U.S. Pat. No. 6,009,099 (Lewis). Claims 18 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fluss in view of Gulliford, in further view of Lewis, and in still further view of U.S. Pat. No. 6,052,744 (Moriarty). Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fluss in view of U.S. Pat. No. 7,016,308 (Gallagher) and in further view of Gulliford. Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fluss in view of Gallagher, in further view of Gulliford, and in still further view of Lewis.

#### **Examiner Fails To Establish A *Prima Facie* Case Of Obviousness**

Fluss discloses a headend of a shared data channel that receives data packets. Abstract. A buffer queues the received data packets. Abstract. A router assigns high transmittal priority to data packets addressed to users who have more recently received a previous data packet. Abstract.

Gulliford discloses a wireless network designed to deliver communication services from a service provider to metropolitan commercial customer locations. Abstract. The network architecture of Gulliford includes a distributed set of non-hierarchal nodes

connected together via wireless links. Abstract. These nodes can connect to a customer's or service provider's equipment, and/or route traffic to other nodes. Abstract.

With regard to claims 10 and 36, Examiner relies on the Internet of Fluss to find the claimed element "routing each information packet through a distributed network of routing elements." See, Office Action, April 3, 2007, p. 3, ("i.e., routing elements, in the internet, i.e., a distributed network . . ."). Examiner also relies on the nodes of Gulliford to find the claimed element "each routing element in wireless communication with at least one other routing element in the network of routing elements." See, Office Action, April 3, 2007, p. 3. Examiner asserts that "it would have been obvious . . . to have each routing element [of Fluss] be in wireless communication with at least one other routing element in the network [of Fluss] to deploy the distributed network [of Fluss] in a manner that offers high bandwidth, rapid deployment, and incremental deployment costs." Office Action, April 3, 2007, pp. 3-4. One of ordinary skill, however, would not have had reason to combine Gulliford with Fluss. According to Examiner, the "distributed network" of Fluss is the Internet. It does not make sense to say that one of ordinary skill would have had reason to modify Fluss with Gulliford "to deploy the [Internet] in a manner that offers high bandwidth, rapid deployment, and incremental deployment costs." The Internet is already "deployed." The headend of Fluss merely couples to the Internet via router 102. Col. 4, ll. 25-26. Network deployment is not at issue in Fluss. Furthermore, the disclosure of Fluss is directed to packet queuing and routing at a headend of a shared data channel. Summary. The supposed wireless communication between routing elements in the Internet of Fluss has nothing to do with packet queuing and routing at a headend of a shared data channel. Moreover, Examiner provides no evidence that one of ordinary skill would have considered it feasible or practical to modify the Internet such that each routing element would be in wireless communication with at least one other routing element given the Internet's size and diffuse nature.

Examiner used reasoning similar to claims 10 and 36 in rejecting claims 20, 28 and 31. Although claims 20, 28 and 31 differ in scope, for the reasons claims 10 and 36 are patentable, claims 20, 28 and 31 are patentable.

The dependent claims are patentable because they depend from one of the independent claims.

Applicants' Attorney believes the claims are in a condition for allowance. Applicants' Attorney respectfully requests a notice to that effect. Applicants' Attorney also invites a telephone conference if Examiner believes it will advance the prosecution of this case.

Please charge the amount of \$120 to cover the Petition fee to our Deposit Account No. 02-3978. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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